

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1757 – HB 1869

March 26, 2014

SUMMARY OF ORIGINAL BILL: Prohibits a law enforcement officer from searching, examining, extracting, or duplicating cellular telephone data, even if incident to a lawful arrest, unless the officer has obtained a search warrant. Any evidence collected in violation is inadmissible in any court of law or administrative board as evidence.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015393): Deletes all language after the enacting clause.

Prohibits a law enforcement officer from searching, examining, extracting, or duplicating cellular telephone data, even if incident to a lawful arrest, unless the officer has obtained a search warrant, the owner gives consent, or exigent circumstances exist.

Any evidence collected in violation is inadmissible in any court of law or administrative board as evidence.

Clarifies that the proposed legislation does not apply to abandoned cell phones.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- According to the Department of Safety and Homeland Security, the proposed legislation will not have a significant impact on the Tennessee Highway Patrol.
- According to local law enforcement entities, the proposed legislation will not have a significant impact on local law enforcement.
- According to the Administrative Office of the Courts, the District Attorneys General Conference, and the District Public Defenders Conference, the proposed legislation will not have a significant impact on their caseloads.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm